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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

By: Robert J. Hariri *et al.* Confirmation No.: To be Assigned

Serial No.: 10/511,355 Art Unit: To be Assigned

Filed: October 12, 2004 Examiner: To be Assigned

For: MODULATION OF STEM AND PROGENITOR CELL DIFFERENTIATION, ASSAYS, AND USES THEREOF Attorney Docket No.: 9516-149-999 (CAM:) (501872-999148)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of :
 - ☒ Each U.S. patent application publication and foreign patent. Pursuant to 37 CFR 1.98(a)(2) as amended (Federal Register, vol. 69, No.182, September 21, 2004, p.56510), copies of U.S. patents are not submitted herewith;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☒ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☒ all other information or portion which caused it to be listed on the PTO-1449.
 - 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
☐ enclosed
☐ to be charged to Jones Day Deposit Account No. 50-3013.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The Certification Statement in Item 5 below is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
☐ enclosed.
☐ to be charged to Jones Day Deposit Account No. 50-3013

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

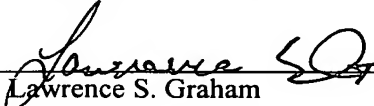
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement.
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check Item 8a, 8b, or 8c)

- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date: January 27, 2005


for Lawrence S. Graham
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LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY DOCKET NO.

9516-149-999

(501872-999148))

APPLICATION NO

10/511,355

APPLICANT

HARIRI, Robert J.

CONFIRMATION NO.:

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FILING DATE

October 12, 2004

ART UNIT:

To be Assigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	60/366,515	03/20/02	Muller			
	A02	60/366,516	03/20/02	Muller			
	A03	60/436,975	12/30/02	Muller			
	A04	60/438,448	01/07/03	Muller			
	A05	60/438,450	01/07/03	Muller			
	A06	60/454,149	03/12/03	Muller			
	A07	60/454,155	03/12/03	Muller			
	A08	10/511,354	10/12/04	Hariri <i>et al.</i>			
	A09	2002/0123141	09/05/02	Hariri			
	A10	2003/0032179	02/13/03	Hariri			
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							YES	NO
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	B02	WO 93/12095	06/24/93	PCT				
	B03	WO 94/05661	03/17/94	PCT				
	B04	WO 94/19351	09/01/94	PCT				
	B05	WO 94/29277	12/22/94	PCT				
	B06	WO 95/19978	07/27/95	PCT				
	B07	WO 96/32379	10/17/96	PCT				
	B08	WO 96/39101	12/12/96	PCT				
	B09	WO 97/03070	01/30/97	PCT				
	B10	WO 97/03675	02/06/97	PCT				
	B11	WO 97/03985	02/06/97	PCT				
	B12	WO 97/24334	07/10/97	PCT			Abstract only	
	B13	WO 97/29182	01/29/98	PCT				
	B14	WO 98/06722	02/19/98	PCT				
	B15	WO 98/08848	03/05/98	PCT			Abstract only	
	B16	WO 98/14448	04/09/98	PCT			Abstract only	

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	B17	WO 98/15530	04/16/98	PCT				
	B18	WO 98/16521	04/23/98	PCT				
	B19	WO 98/17668	04/30/98	PCT				
	B20	WO 98/23597	06/04/98	PCT				
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C05	Hatzopoulos <i>et al.</i> , 1998, <i>Development</i> 125:1457
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C10	Nadkarni <i>et al.</i> , 1984, <i>Tumori</i> 70:503-505
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C12	Slager <i>et al.</i> , 1993, <i>Dev Genet</i> 14(3):212-24
C13	Tamaki <i>et al.</i> , 2002, <i>J Neurosci Res</i> (69)6:976
C14	Thomson <i>et al.</i> , 1998, <i>Science</i> 282:1145
C15	Yan <i>et al.</i> , 2001, <i>Dev Biol</i> 235:422-432

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.